

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

In Re:	§	
Acis Capital Management, L.P.	§	
	§	
	§	Case No.: 18-30264-sgj11
Debtor(s)	§	Chapter No.: 11
Highland Capital Management, LP and Neutra, Ltd. and	§	
Highland CLO Funding, Ltd.	§	
	§	
Appellant(s)	§	
vs.	§	
Robin Phelan, Chapter 11 Trustee	§	
	§	
Appellee(s)	§	
	§	
	§	
	§	
	§	

NOTICE OF TRANSMITTAL

I am transmitting:

- ☐ The Motion for leave to Appeal 28 U.S.C. § (USDC Civil Action No. DNC Case).
- ☐ The Motion for Stay Pending Appeal (USDC Action No. – DNC Case).
- ☐ The Proposed Findings of Fact and Conclusions of Law.
- ☐ The Motion to Extend Time To File Designation (USDC Civil Action No DNC Case).
- ☐ On , the Record on Appeal was transmitted. The designation of record or item(s) designated by were not filed when the record was transmitted. The item(s) were filed on awaiting instructions from the assigned district judge.
- ☐ Other
- ☒ Copies of: Notice of appeal, appealed order and supporting documents

TO ALL ATTORNEYS: File all subsequent papers captioned and numbered with the appropriate division of the United States District Clerk's Office. Any questions concerning this proceeding should be directed to the U.S. District Clerk's Office at (214) 753-2200.

DATED: 2/5/19

FOR THE COURT:
Robert P. Colwell, Clerk of Court

by: /s/Sheniqua Whitaker, Deputy Clerk

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

APPEAL SERVICE LIST

Transmission of the Record

BK Case No.: 18-30264-sgi11

Received in District Court by: _____

Date: _____

Volume Number(s): _____

cc: Stacey G. Jernigan
Anna Saucier
Laura Smith
Attorney(s) for Appellant
US Trustee
Robin Phelan

Appellant Highland Capital Management, LP and Neutra, Ltd.

Holland N. ONeil
Jason B. Binford
Melina N. Bales
Foley Gardere
Foley & Lardner LLP
2021 McKinney, Suite 1600
Dallas, Texas 75201
Tel: 214.999.3000

Michael K. Hurst
A. Shonn Brown
Ruben A. Garcia
Lynn Pinker Cox & Hurst LLP
2100 Ross Avenue, Ste. 2700
Dallas, Texas 75201
Tel: 214.981.3800

Appellant Highland CLO Funding, Ltd.

Mark M. Maloney
W. Austin Jowers
Paul R. Bessette
King & Spalding LLP
1180 Peachtree Street NE
Atlanta, Georgia 30309
404-572-4600

Appellee Robin Phelan, Chapter 11 Trustee

Jeff P. Prostok
J. Robert Forshey
Suzanne K. Rosen
Matthew G. Maben
Forshey & Prostok LLP
777 Main Street, Suite 1290
Fort Worth, Texas 76102
Tel: 817.877.8855

Rakhee V. Patel
Phillip L. Lamberson
Joseph J. Wielebinski, Jr.
Annmarie Antoniette Chiarello
Winstead PC
500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201
Tel: 214.745.5400

BTXN 150 (rev. 11/10)

In Re:
Acis Capital Management, L.P.

Debtor(s)

§
§
§
§Case No.: 18-30264-sgj11
Chapter No.: 11**CIVIL CASE COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) APPELLANT

Highland Capital Management, LP, Neutra, Ltd., and Highland CLO Funding, Ltd.

(b) County of Residence of First Listed Party:
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorney's (Firm Name, Address, and Telephone Number)
Attorney for Appellants: Highland Capital Management, LP and Neutra, Ltd.

Holland N. O'Neil
Jason B. Binford
Melina N. Bales
Foley Gardere
Foley & Lardner LLP
2021 McKinney, Suite 1600
Dallas, Texas 75201
Tel: 214.999.3000

Michael K. Hurst
A. Shonn Brown
Ruben A. Garcia
Lynn Pinker Cox & Hurst LLP
2100 Ross Avenue, Ste. 2700
Dallas, Texas 75201
Tel: 214.981.3800

Attorney for Appellant: Highland CLO Funding, Ltd.
Mark M. Maloney
W. Austin Jowers
Paul R. Bessette
King & Spalding LLP
1180 Peachtree Street NE
Atlanta, Georgia 30309
404-572-4600

APPELLEE

Robin Phelan, Chapter 11 Trustee

County of Residence of First Listed Party:
(IN U.S. PLAINTIFF CASES ONLY)

Attorney's (If Known)
Jeff P. Prostok
J. Robert Forshey
Suzanne K. Rosen
Matthew G. Maben
Forshey & Prostok LLP
777 Main Street, Suite 1290
Fort Worth, Texas 76102
Tel: 817.877.8855

Rakhee V. Patel
Phillip L. Lamberson
Joseph J. Wielebinski, Jr.
Annmarie Antoniette Chiarello
Winstead PC
500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201
Tel: 214.745.5400

II. BASIS OF JURISDICTION

☐ 1 U.S. Government Plaintiff ☐ 2 U.S. Government Defendant ☒ 3 Federal Question (U.S. Government Not a Party) ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

Citizen of This State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="radio"/> 4	<input type="radio"/> 4
Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="radio"/> 5	<input type="radio"/> 5
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6

IV. NATURE OF SUIT

☒ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 ☐ 890 Other Statutory Actions

V. ORIGIN

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
422 Appeal 28 USC 158

Brief description of cause:
Notice of appeal of a bankruptcy court order

VII. REQUESTED IN COMPLAINT:

☐

CHECK IF THIS IS A **CLASS ACTION** UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

Judge: Fitzwater

Docket Number: 3:18-CV-01822, 3:18-CV-01056

DATED: 2/5/19

FOR THE COURT:
Robert P. Colwell, Clerk of Court
by: /s/Sheniqua Whitaker, Deputy Clerk